

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2022-0282; Project Identifier MCAI-2021-01208-R; Amendment 39-22087; AD 2022-13-01]**

**RIN 2120-AA64**

#### **Airworthiness Directives; Leonardo S.p.a. Helicopters**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

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**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain Leonardo S.p.a. Model AW169 helicopters. This AD was prompted by a report of a blockage in a fuel tank vent line. This AD requires inspecting the fuel tank vent lines, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective July 21, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 21, 2022.

**ADDRESSES:** For EASA material incorporated by reference (IBR) in this final rule, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [www.easa.europa.eu](http://www.easa.europa.eu). You may find the EASA material on the EASA website at <https://ad.easa.europa.eu>. For Leonardo Helicopters service information identified in this final rule, contact Leonardo S.p.a. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39-0331-225074; fax +39-0331-229046; or at <https://customerportal.leonardocompany.com/en-US/>. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2022-0282.

## **Examining the AD Docket**

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2022-0282; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the EASA AD, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228-7330; email [andrea.jimenez@faa.gov](mailto:andrea.jimenez@faa.gov).

## **SUPPLEMENTARY INFORMATION:**

### **Background**

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021-0238, dated November 2, 2021 (EASA AD 2021-0238), to correct an unsafe condition for Leonardo S.p.a., formerly Finmeccanica S.p.A., AgustaWestland S.p.A., Model AW169 helicopters, serial numbers (S/N) from 69006 up to 69125 inclusive, except S/N 69040; and S/N 69130, 69132, 69133, 69134, 69136, and 69139.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Leonardo S.p.a. Model AW169 helicopters as identified in EASA AD 2021-0238. The NPRM published in the Federal Register on March 21, 2022 (87 FR 15894). The NPRM was prompted by a report of a blockage in a fuel tank vent line. The NPRM proposed to require inspecting the fuel tank vent lines, as specified in EASA AD 2021-0238.

The FAA is issuing this AD to detect and address the blockage. See EASA AD 2021-0238 for additional background information.

## **Discussion of Final Airworthiness Directive**

### **Comments**

The FAA received comments from two commenters. Commenters included AgustaWestland Philadelphia Corporation, who had no technical objection to the proposed AD, and an anonymous commenter who provided no comments on the proposed actions or on the determination of the costs.

### **Conclusion**

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these helicopters. Except for minor editorial changes, this AD is adopted as proposed in the NPRM.

## **Related Service Information Under 1 CFR Part 51**

EASA AD 2021-0238 requires a one-time inspection of the fuel tank vent lines and, depending on findings, accomplishment of applicable corrective action(s).

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

### **Other Related Service Information**

The FAA also reviewed Leonardo Helicopters Alert Service Bulletin No. 169-205, dated September 20, 2021. This service information specifies procedures for a one-off borescope inspection of the right and left fuel tank vent lines.

### **Differences Between This AD and the EASA AD**

EASA AD 2021-0238 states to remove the sealant obstructions in accordance with the instructions of the service information and to contact Leonardo for approved corrective actions instructions and accomplishing those instructions within the compliance time specified therein; whereas, this AD requires repair done before further flight in accordance with a method approved by the Manager, General Aviation and Rotorcraft Section, International Validation Branch, FAA; or EASA; or Leonardo S.p.a. Helicopters' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

EASA AD 2021-0238 states to inspect the fuel tank vent lines in accordance with the instructions of the service information, which specifies inspecting for evidence of a partial or total Proseal obstruction. This AD requires inspecting for a partial or total Proseal obstruction.

### **Costs of Compliance**

The FAA estimates that this AD affects 6 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Borescope inspecting the fuel tank vent lines takes approximately 6 work-hours for an estimated cost of \$510 per helicopter and up to \$3,060 for the U.S. fleet. The FAA has no way of knowing the cost to repair a fuel tank vent line.

### **Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### **Regulatory Findings**

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### **The Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

### **PART 39—AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

#### **§ 39.13 [Amended]**

2. The FAA amends § 39.13 by adding the following new airworthiness directive:



# **AIRWORTHINESS DIRECTIVE**

[www.faa.gov/aircraft/safety/alerts/](http://www.faa.gov/aircraft/safety/alerts/)  
[www.gpoaccess.gov/fr/advanced.html](http://www.gpoaccess.gov/fr/advanced.html)

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**2022-13-01 Leonardo S.p.a:** Amendment 39-22087; Docket No. FAA-2022-0282; Project Identifier MCAI-2021-01208-R.

**(a) Effective Date**

This airworthiness directive (AD) is effective July 21, 2022.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Leonardo S.p.a. Model AW169 helicopters, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2021-0238, dated November 2, 2021 (EASA AD 2021-0238).

**(d) Subject**

Joint Aircraft Service Component (JASC) Code: 2800, Aircraft Fuel System.

**(e) Unsafe Condition**

This AD was prompted by a report of blockage in a fuel tank vent line. The FAA is issuing this AD to detect and address the blockage. The unsafe condition, if not addressed, could result in dual engine flameout due to fuel starvation and a subsequent forced landing.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Requirements**

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2021-0238.

**(h) Exceptions to EASA AD 2021-0238**

(1) Where EASA AD 2021-0238 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2021-0238 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where the service information referenced in paragraph (1) of EASA AD 2021-0238 specifies recording the inspection outcome in the report in ANNEX A (of the service information), this AD does not require that action.

(4) Where the service information referenced in paragraph (1) of EASA AD 2021-0238 specifies inspecting “the left/right vent line for evidence of a partial or total Proseal obstruction,” this AD requires inspecting for a partial or total Proseal obstruction.

(5) Where the service information referenced in EASA AD 2021-0238 specifies immediately contacting Leonardo Company Product Support Engineering and waiting for further instructions before proceeding if there is any Proseal obstruction in any fuel tank vent line, this AD does not require that action.

(6) Where the service information referenced in paragraph (2) of EASA AD 2021-0238 specifies to “carefully remove the Proseal obstruction by means of a suitable method,” this AD requires, before further flight, accomplishing repairs in accordance with a method approved by the Manager, General Aviation & Rotorcraft Section, International Validation Branch, FAA; or EASA; or Leonardo S.p.a. Helicopters' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(7) Where paragraph (2) of EASA AD 2021-0238 specifies contacting Leonardo for approved corrective actions and accomplishing those instructions within the compliance time specified therein, this AD requires, before further flight, accomplishing repairs in accordance with a method approved by the Manager, General Aviation & Rotorcraft Section, International Validation Branch, FAA; or EASA; or Leonardo S.p.a. Helicopters' EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(8) This AD does not mandate compliance with the “Remarks” section of EASA AD 2021-0238.

#### **(i) No Reporting Requirement**

Although the service information referenced in EASA AD 2021-0238 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

#### **(j) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

#### **(k) Related Information**

For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228-7330; email andrea.jimenez@faa.gov.

#### **(l) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2021-0238, dated November 2, 2021.

(ii) [Reserved]

(3) For EASA AD 2021-0238, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [www.easa.europa.eu](http://www.easa.europa.eu). You may find the EASA material on the EASA website at <https://ad.easa.europa.eu>.

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. This material may be found in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2022-0282.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov), or go to: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued on June 10, 2022.

Christina Underwood,

Acting Director, Compliance & Airworthiness Division, Aircraft Certification Service.

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